

REMARKS/ARGUMENTS

Claims 84-92 and 94-147 are pending in this application. Claims 84, 106 and 127 have been amended. Applicant respectfully requests reconsideration and re-examination of the pending claims 84-92 and 94-147 in view of the foregoing amendments and the following remarks.

The Examiner has noted that no claim 93 is present in the application. To maintain a proper accounting of the status of all claims, Applicant is treating claim 93 as canceled.

I. Information Disclosure Statement

The Examiner has indicated that the Form PTO-1449, filed on November 1, 2000 with the original papers, does not appear in the file. The Examiner requests that Applicant resubmit an IDS form corresponding to any references not listed as considered by the Examiner. Applicant notes that only the Davis reference (5,568,552) is listed as considered. In conformance with the Examiner's request, Applicant will file an Information Disclosure Statement in a separate submission.

II. Rejection of Claims 84-92 and 94-147 Based on 35 U.S.C. § 102(e)

The Examiner has rejected claims 84-92 and 94-147 under 35 USC 102(e) as being anticipated by Davis (U.S. 5,568,552). Applicant respectfully disagrees. Applicant submits that claims 84-92 and 94-147 are allowable over the cited reference for at least the following reason. Davis does not teach or suggest, let alone anticipate, a method or apparatus for limiting use of a software resource by a software program, as recited in claims 84-92 and 94-147.

Davis presents a hardware-based system for enabling a software program for use at a physical computing node having a valid license token. The license token may be transferred from a first "hardware agent" at one computing node to a second "hardware

agent” at a second computing node, allowing a user at the second computing node to obtain access to the associated software program and preventing access at the first computing node. In essence, the hardware agent of Davis is node-specific, i.e., tied to the physical equipment in which the hardware agent is placed.

In contrast to Davis, the present invention provides for enforcement of license terms with respect to the use of a software resource by a software program. Applicant has amended independent claims 84, 106 and 127 to more clearly recite this relationship. Davis does not teach or suggest any license relationship between a software program and a software resource (the license in Davis is “user-specific,” see col. 1, lines 37-52). Further, in the present invention, the access authorization indicator is associated with the software program, rather than with a physical piece of equipment (“hardware agent”) as in Davis. For at least these reasons, Applicant submits that the present invention, as recited in claims 84-92 and 94-147, is allowable over the cited reference.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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December 24, 2003
Date